

### III. REMARKS

The Examiner is thanked for extending the courtesy of a telephone interview on February 28, 2006. During this interview, agreement was reached regarding the formal rejections for the reasons given below. No agreement was reached regarding the prior art rejection.

Claims 17 and 35, as well as their dependent claims, are rejected under 35 U.S.C. 112, second paragraph.

It is respectfully submitted that "substantially" is expressly approved, see MPEP 2173.05(c)D; Verve LLC v. Crane Cams Inc., 65 USPQ2d 1051, 1054.

Claim 35 has been amended to recite "...the arcuate area...".

Thus the rejections under 35 U.S.C. 112, second paragraph, should be withdrawn.

Claims 17-32, 34-38, 40-47 and 49-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahara and Easty.

The invention of the independent claims is one where alternatives are presented in the space surrounding the user on the basis of their direction with respect to the user so the locations of the positions remain substantially the same irrespective of the position of the user. This results in a system which is easy to learn and use and is similar to the shift positions in a manual shift automobile or the buttons on a car radio.

Takahara discloses a virtual reality system in which selections can be made with motion of hands, head and feet. However, Takahara provides no disclosure that the motion is detected with regard to the body of the user. The Examiner refers to Fig. 1

and column 2, lines 55-67. Applicants respectfully disagree. Fig. 1 shows gloves that can detect squeezing the hand and motion of the fingers, but detection of the location of the hands is carried out by means of the TV camera 100. The cited paragraph merely discloses that motion patterns of the user's body are detected. The reference point to such detection is not disclosed to be the body of the user. The only disclosure found in this patent as to how the location of a body member is detected comes from column 14, lines 3 to 6, "the motion patterns of the user's hands or the user's head can be detected by a TV camera 100". The user's body does not support that camera. Hence, *the only disclosure of Takahara is detection of motion with reference to position about the user and not with respect to the user himself so that the positions remain substantially the same irrespective of the position of the user, thus failing to teach or suggest the claimed invention.*

Easty also fails to disclose the above feature of detecting motion of a member of the body of the user with respect to the user himself so that the positions used for detecting a desired alternative remain substantially the same irrespective of the position of the user. Thus an ordinarily skilled person combining Easty with Takahara would not have arrived at the present invention.

Hence the rejection of claims 17-32, 34-38, 40-47 and 49-56 should be withdrawn.

Claims 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahara and Easty and further in view of Kumar.

Similarly, Kumar fails to disclose the above-discussed features. Thus combining it with the first two references does not result in the invention of claim 48.

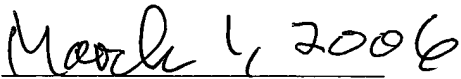
Hence the rejection of claim 48 should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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